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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,055	04/18/2001	Masahide Hirasawa	B208-1132	9180
26272 7590 10/03/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER SHAW, PELING ANDY	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/837,055

Applicant(s)

HIRASAWA, MASAHIRO

Examiner

Peling A. Shaw

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 10-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2007 has been entered. Claims 1 and 11 are amended. Claims 16-17 are cancelled. Claims 1-3, 10-13 and 15 are currently pending.
2. Amendment received on 01/04/2007 was entered into record. Claims 1-2 and 11-12 were amended. Claims 16-17 were new.
3. Applicant's submission filed on 06/26/2006 was entered. Claims 1-3, 11-13 and 15 were amended. Claims 7 and 14 were cancelled.
4. Amendment received on 12/12/2005 was entered. Claims 1-3, 7 and 10 were amended. Claims 4-6 and 8-9 were cancelled. Claims 11-15 were new.

### ***Priority***

5. This application has claimed priority on JAPAN 119029/2000 04/20/2000. The filing date is 04/18/2001.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States

Art Unit: 2144

before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Seong (US 6785720 B1), hereinafter referred as Seong.

- a. Regarding claim 1, Seong disclosed a communication control apparatus (column 1, lines 21-26: set-top box) comprising: a first port which connects to said first segment of a network (column 1, lines 46-53: connection between devices); a second port which connects to said second segment of a network (column 1, lines 46-53: connection between device); a CIP header detecting unit adapted to detect whether or not an isochronous packet received by said first port includes a CIP (common isochronous packet) head conforming to IEC 61883 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394 to provide control and connection management of A/V using IPCR and OPCR, IEC 61883 define CIP header structure, CIP header has information on source stream); and a control unit configured to determine whether or not to disable relaying the isochronous packet received by said first port to said second port (column 5, lines 47-67: OPCR to control the channel; Fig. 6-7; column 4, line 65-column 5, line 6: power on/off), wherein said control unit enables relaying the isochronous packet received by said first port to said second port, if said CIP header detecting unit detects that the isochronous packet received by said first port does not include the CIP header (column 1, lines 24-53; IEEE 1394 transport digital stream; column 1, lines 61-66; column 2, lines 42-49: specify (detect)

CIP, control per IEC 61993), and wherein said control unit determines, using the CIP header included in the isochronous packet received by said first port, whether or not to disable relaying the isochronous packet received by said first port to said second port, if said CIP header detecting unit detects that the isochronous packet received by said first port includes the CIP header (column 5, lines 47-67: OPCR to control the channel; Fig. 6-7; column 4, line 65-column 5, line 6: power on/off).

- b. Regarding claim 2, Seong disclosed a communication control apparatus according to claim 1, wherein said control unit controls to provide another isochronous packet to the second port in lieu of the isochronous packet received by said first port, if relaying the isochronous packet received by said first port to said second port is disabled by said control unit (column 5, lines 47-67: OPCR to control the channel).
- c. Regarding claim 3, it is well known that dummy data or null data are used when there is no data to be transmit over an isochronous channel, e.g. per IEEE 1394.
- d. Regarding claim 10, Seong disclosed a communication control apparatus according to claim 1, wherein said first and second ports conform to the IEEE 1394-1995 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394).
- e. Claims 11-13 and 15 are of the same scope as claims 1-3 and 10. These are rejected for the same reasons as for claims 1-3 and 10.

Seong disclosed all limitations of claims 1-3, 10-13 and 15. Claims 1-3, 10-13 and 15 are rejected under 35 U.S.C. 102(e).

***Response to Arguments***

7. Applicant's arguments filed on 07/20/2007 have been fully considered, but they are not persuasive.
- a. Applicant has amended the independent claims 1 and 11 with the limitation of "determine whether or not to disable relaying the isochronous packet received by said first port to said second port" and "wherein said control unit enables relaying the isochronous packet received by said first port to said second port, if said CIP header detecting unit detects that the isochronous packet received by said first port does not include the CIP header". Examiner has reviewed the limitations in light of applicant's original specification and claim language. Examiner has reviewed the claim rejections per office action dated 03/16/2007 and applied prior art, i.e. Seong. Examiner has searched and found that Seong still applies to the current claim language. The claim rejection sections above are updated to reflect the amended claim changes with references cited from Seong.
  - b. Applicant has argued similarly as per amendment filed on 01/04/2007. The Response of Arguments per office action dated 03/16/2007 still applies. In addition, examiner offers the following response.
  - c. As disclosed on pages 2-4 in the section of "Description of Related Art" per applicant's specification that is also described in the Background of the Invention per columns 1-2 of Seong, it is clear that IEEE 1394 is used to transport digital stream with or without IEC 61833. The IEC 61833 is used on top of IEEE 1394 to further provide the connection management of digital stream over IEEE 1394 (column 1, line

46- column 12, line 10 and column 2, lines 42-49). As claim rejections updated above does draw references from columns 1-2 of Seong to cover the amended claim language changes, particular (column 1, lines 24-53) IEEE 1394 transporting digital stream; (column 1, lines 61-66; column 2, lines 42-49) specifying (detecting) CIP, control per IEC 61993; (column 5, lines 47-67) OPCR to control the channel; and (Fig. 6-7; column 4, line 65-column 5, line 6) power on/off on digital stream.

- d. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique (see item a in section 6). As the claimed invention seems to draw a direct interpretation what is to be done according to and thus conforming industrial standards as applied to specific application. The cited prior art has also shown all limitation as claimed. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

- e. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.



*Remarks*

8. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Johnson et al. (US 5584039 A) System for coordinating execution of multiple concurrent channel programs without host processor involvement using suspend and resume commands to control data transfer between I/O devices
- b. Chou et al. (US 6363428 B1) Apparatus for and method of separating header information from data in an IEEE 1394-1995 serial bus network
- c. Gerszberg et al. (US 6396531 B1) Set top integrated visionphone user interface having multiple menu hierarchies
- d. Stallkamp (US 6522649 B1) Method of distributing video reference signals as isochronous network packets
- e. IEC 61883-1, Consumer audio/video equipment-digital interface-Part 1: General, First edition, 1998-02, pp.1-77

Art Unit: 2144

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

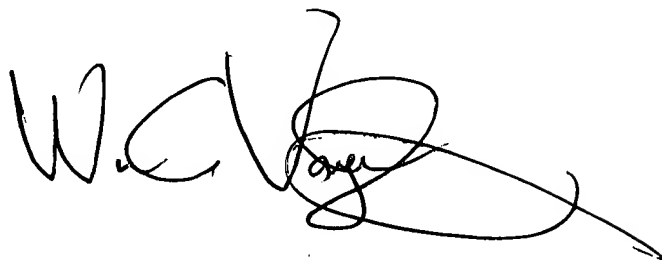
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A large, stylized handwritten signature, likely of William C. Vaughn, written in black ink. The signature is cursive and somewhat abstract, with a prominent 'W' and 'V'.